

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

ALEXANDER PAEZ,

Plaintiff,

v.

**CHILDREN’S HEALTH SYSTEM OF
TEXAS,**

Defendant.

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Civil Action No. 3:23-cv-2243-E

PLAINTIFF’S UNOPPOSED MOTION TO EXTEND MEDIATION DEADLINE

Pursuant to the December 27, 2023 Scheduling Order [Dkt. 10], Plaintiff Alexander Paez (“Plaintiff”) moves the Court to extend the deadline for the Parties to mediate and states as follows:

I. BACKGROUND

This is an employment discrimination case filed pursuant to the FMLA and ADA, arising from Plaintiff’s employment with Defendant. Defendant filed its Answer to Plaintiff’s Original Complaint on December 11, 2023 [Dkt. 6]. Courtenay L. Bass of Gilbert Mediation Group is the agreed mediator in this case [Dkt. 9; Dkt. 13]. On December 27, 2023, the Court issued a Scheduling Order establishing various case deadlines, including mediation, completion of discovery, and the due date to file dispositive motions [Dkt. 13]. Since then, the Parties requested and the Court granted one extension to the Scheduling Order [Dkt. 14; Dkt. 15]. The current mediation deadline is June 17, 2024 [Dkt. 15].

This motion does not seek a continuance of the deadline for completion of discovery (October 15, 2024) or the deadline to file dispositive motions (November 15, 2024), or of the trial date (three-week docket beginning April 1, 2025).

II. GROUND FOR CONTINUANCE

Plaintiff's deposition took place on April 24, 2024. Plaintiff took the deposition of one of Defendant's corporate representatives on May 1, 2024. The deposition of Defendant's other corporate representative was noticed and scheduled for May 9, 2024. The afternoon of May 8, 2024, Defendant produced additional documents that Plaintiff's counsel needed more time to review before the May 9 deposition. Plaintiff's counsel notified defense counsel of such and sent an amended notice that set the deposition for May 29, 2024. On May 17, defense counsel notified Plaintiff's counsel that "May 29 is not available" and requested Plaintiff's availability from July 15–24.

Mediation is currently set for June 17, 2024—selected by the Parties so that mediation would take place after depositions were completed.¹ Because it appears that defense counsel or Defendant's corporate representative is not available for deposition until July 15–24, mediation must necessarily occur later than it is currently scheduled, after the current mediation deadline. The Parties have already been in contact with the mediator's office to check availability for a mediation date after July 15–24. The mediator currently has nine dates available before the deadline proposed/requested here.

The requested extension does not affect any other deadlines in this case, including the deadlines for discovery or dispositive motions, or of the trial date.

III. RELIEF REQUESTED

Considering the foregoing factors, Plaintiff respectfully requests an extension of the mediation deadline under the Scheduling Order to **August 23, 2024**. This is the second request for an extension of a Scheduling Order deadline in this case. The request is not made for purposes of delay, but so that justice may be done.

¹ "The Parties anticipate that mediation would be more productive after the Parties' depositions are completed." *See* Joint Motion to Extend Mediation Deadline [Dkt. 14 at 2].

IV. CONCLUSION

WHEREFORE, Plaintiff Alexander Paez respectfully prays that this Court grant this Unopposed Motion to Extend Mediation Deadline and continue the current mediation deadline to August 23, 2024.

Respectfully submitted,

GASPER LAW PLLC

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ATTORNEY FOR PLAINTIFF

CERTIFICATE OF CONFERENCE

Plaintiff's counsel conferred with counsel for Defendant, who indicated Defendant is unopposed to the relief requested herein.

/s/ Travis Gasper
Travis Gasper

CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2024, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s/ Travis Gasper
Travis Gasper